

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
PATRICK EXLER,

Plaintiff,

-against-

TRAVEL EXPLORATION, INC.

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
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19 Civ. 8853 (AT)

ORDER

On February 11, 2020, Plaintiff moved for a default judgment. ECF No. 16. This Court denied the motion for failure to comply with its Individual Practices in Civil Cases, which set out detailed procedures for seeking a default judgment. ECF No. 20; *see* Individual Practices Rule III(M); *id.* Attachment A. Specifically, the Court noted that Plaintiff had failed to provide a proposed order to show cause, and had failed to submit an affidavit in support of his claims made out by a *party*, rather than by Plaintiff's attorney. ECF No. 20.

On April 8, 2020, Plaintiff filed a renewed motion for default judgment. ECF No. 21. Astonishingly, Plaintiff's submission consists of the exact same filings the Court deemed inadequate two months ago. *Compare* ECF Nos. 16–19 *with* ECF Nos. 21–24. Again, Plaintiff has submitted neither a proposed order to show cause nor an affidavit made out by a party with personal knowledge. Instead, Plaintiff has submitted only an affidavit made out by counsel, exactly as before. That is not what this Court's rules require.

Accordingly, Plaintiff's motion is DENIED. Because Defendant still has not yet appeared, the initial pretrial conference scheduled for April 15, 2020, is ADJOURNED to **May 26, 2020**, at **11:40 a.m.** By **May 19, 2020**, Plaintiff shall file a renewed motion for default judgment that complies with this Court's Individual Practices, or the parties shall file their joint letter and proposed case management plan. In addition, it is ORDERED that Plaintiff's counsel review the Court's Individual Practices in Civil Cases in full in advance of any further filings in this action. Those practices may be found at the following web address: <https://nysd.uscourts.gov/hon-analisa-torres>.

The Clerk of Court is directed to terminate the motion at ECF No. 21.

SO ORDERED.

Dated: April 14, 2020
New York, New York



ANALISA TORRES
United States District Judge